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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,360	11/02/2000	Alahyar Alan Mikhak	40596/CAG/B600	6303

7590 03/24/2005  
THE PERSEUS GROUP, INC.  
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# 102-717  
CALABASAS, CA 91302

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/706,360

**Applicant(s)**

MIKHAK, ALAHYAR ALAN

**Examiner**

Joy K Contee

**Art Unit**

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-113 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-113 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/2/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 107 is objected to because of the following informalities: in line 13, "the adapter" should be "an adapter", to correct antecedent basis. Appropriate correction is required.

Claims 61 and 75 are objected to because of the following informalities: two claims are numbered 61 and 75, each. Appropriate correction is required. Examiner has read the duplicate numbered claim as 61' and 75'.

In accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution, when claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings contain handwritten markings and figures Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,3-18,19,21-33,49,51-60,61-66,68-75,76-79,81-94,98,100-113 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen, U.S. Patent No. 6,259,891.

Regarding claims 1,49,66 and 79, Allen discloses a personal area network (and communications network), comprising:

a device having a first wireless transceiver (col. 3,lines 45-60 and Fig. 2); and  
an adapter having a second wireless transceiver and in communication with the first wireless transceiver and a plug capable of mating to a jack coupled to a local backbone (col. 3,line 45 to col. 5,line 61).

Regarding dependent claims 3-18,51-59,68-74 and 81-94, Allen also discloses an interface, a packet based network, twisted pair telephone line, digital subscriber line, RJ-11 telephone jack, telephony device, telephone, third wireless transceiver, fourth and fifth wireless transceiver, computer and appliance (col. 2,lines 46-65 and col. 3,lines 30 to col. 6,line 47).

Regarding claims 19 and 98, Allen discloses a method of communication, comprising:

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exchanging information over a wireless medium between a device and an adapter (and an access point) having a plug mated to a jack coupled to a local backbone (col. 5, line 19 to col. 6, line 47); and

communicating at least a portion of the information between the adapter (access point and coupling the communicated information between the local backbone and an Internet gateway) and the local backbone (col. 3, line 62 to col. 4, line 42).

Regarding dependent claims 21-32, 61', 100-113 Allen also discloses a, an interface, a packet based network, twisted pair telephone line, digital subscriber line, RJ-11 telephone jack, telephony device, telephone, third wireless transceiver, fourth and fifth wireless transceiver, computer and appliance (col. 2, lines 46-65 and col. 3, lines 30 to col. 6, line 47).

5. Claims 34-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (Brown), U.S. Patent Application Pub. No. 6,366,622.

Regarding claim 34, Brown discloses a personal area network, comprising:  
a device having a first complementary metal-oxide semiconductor (CMOS) wireless transceiver (col. 32, lines 13-30); and

an adapter having a second CMOS wireless transceiver in communication with the first CMOS wireless transceiver (col. 32, lines 13-30), and  
an interface to interface the second CMOS wireless transceiver to the local backbone and an Internet gateway coupled to the local backbone. (col. 4, line 57 to col. 5, line 20)

Regarding dependent claims 35-48 Brown discloses a, an interface, a packet based network, twisted pair telephone line, digital subscriber line, RJ-11 telephone jack,

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, telephony device, telephone, third wireless transceiver, fourth and fifth wireless transceiver, computer and appliance (col. 5, line 6-29 and Fig. 5)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 20, 50, 67, 75', 80, 95-97 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen, in view of Acampora, U.S. Patent Publication No. 2004/0253924.

Regarding claims 2, 20, 50, 67, 75', 80' and 99, Allen discloses the limitations of claims 1, 19, 49, 66, 75, 80, 95 and 98, but fails to mention the Bluetooth protocol.

In a similar field of endeavor, Allen discloses wherein information exchange between the device and the access point comprises using Bluetooth protocol, see p. 2 [0024].

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Allen to include use of Bluetooth technology for the purpose of allowing short-range communication in its WLAN environment.

Regarding claim 95, Allen discloses a communications network, comprising:  
a plurality of devices each having a wireless transceiver;

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a local backbone;

an access point to the local backbone, the access point having an access wireless transceiver in communication with the wireless transceiver for each of the devices but fails to explicitly disclose an Internet gateway coupled to the local backbone.

In a similar field of endeavor, Acampora discloses an Internet gateway coupled to the local backbone, see Fig. 1 and p. 4 [0060].

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Allen to include within its LAN environment an Internet gateway for the purpose of accessing external networks.

Regarding dependent claims 96 and 97 Allen discloses , an interface, a packet based network, twisted pair telephone line jack (col. 2,lines 46-65 and col. 3,lines 30 to col. 6,line 47).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gerszberg et al., U. S. Patent No. 2004/0151212, discloses an integrated services director overall architecture.

Bianchi et al., U.S. Patent No. 2004/0057393, discloses an architecture for signal distribution in wireless data.

Walsh et al. U.S. Patent No. 2002/0008145, discloses a low power hand-held transaction device.

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Bertsch, U.S. Patent Application Pub. No. 2002/0073254, discloses a method and apparatus for remotely managing multiple appliance control configuration.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on M (alternating), T & Th, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JOY K. CONTEE  
PATENT EXAMINER

JC  
03/18/05